IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.19207 of 2006

Dated: September 15, 2006

Between:

Y.S. Vidyasagar, S/o. late Srirama Murthy, Aged about 55 years, Occ: Branch Manager, (under suspension), State Bank of India, Kantakapalle Branch, R/o. Flat No.2B, Kuppili Apartments, Dwarakanagar, Visakhapatnam.

… Petitioner

And

Deputy General Manager, Disciplinary Authority, State Bank of India, Zonal Office, Visakhapatnam District, and others.

… Respondents

Order:

Petitioner, by this writ petition, questions the Enquiry Report of the third respondent in Lr.No.VIG/PO/KSV/170 dated 16-08-2006.

2. Heard learned counsel for the petitioner and Mr. E. Madanmohan Rao, learned Standing Counsel appearing for the respondents.

3. Petitioner, who was initially appointed as Clerk in the State Bank

of India, after working in different capacities, was promoted and posted as Branch Manager of Kantakalapalli Branch. Certain disciplinary proceedings were initiated against him by framing several charges. Challenging the said proceedings, the petitioner filed W.P.No.13792 of 2005 before this court on the ground that respondents cannot proceed with the enquiry departmentally in respect of the same set of allegations on which a criminal case in Cr.No.9/2003 was registered. The same was disposed of holding that it was proper for the respondent-Bank to proceed with the enquiry and giving time to the petitioner to participate in the enquiry. He filed another writ petition, namely, W.P.No.25758 of 2005, which was disposed of by a learned single Judge of this court, allowing the respondents to proceed with the departmental enquiry against the petitioner in respect of those charges in the charge memo dated 31-12-2004, which do not find place in the charge sheet dated 30-08-2005 in Crime No.9 of 2003. However, the said order was set aside by a Division Bench of this court in the appeal preferred by the respondent-Bank, on the ground that the order passed in W.P.No.13792 of 2005 filed for the very same relief had become final.

4. It is now stated that in the said departmental enquiry, evidence has been recorded and the Enquiry Officer has submitted his report on 16-08-2006. The Enquiry Report is questioned in this writ petition only on the ground that it is defective in view of the fact that the petitioner was not given an opportunity in the enquiry and certain documents were not made available to him; hence, the report is in violation of principles of natural justice.

5. However, it is to be seen that such defence can be taken by the petitioner when further steps are taken acting upon the report of the

Enquiry Officer, but the petitioner cannot be permitted to interdict the disciplinary proceedings at every stage. If the petitioner finds any deviation in the procedure adopted by the Enquiry Officer, it is always open for him to raise such objections when show cause notice is issued to him before final orders are passed, acting upon the report of the Enquiry Officer. Hence, I do not find any valid ground to interfere with the Enquiry Report at this stage.

6. The writ petition is accordingly dismissed keeping it open to the petitioner to take the said defence when the Enquiry Report is acted upon for taking further steps in the departmental proceedings. No order as to costs.

JUSTICE R. SUBHASH REDDY.

September 15, 2006
Note: Furnish copy in three days
B/o
MRR